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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,243	08/05/1999	PING LIONG TJOA		2663
23364 7590 04/28/2009 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER HAMILTON, LALITA M				
ART UNIT 3691		PAPER NUMBER		
MAIL DATE 04/28/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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09319243	8/5/99	TJOA, PING LIONG	

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ALEXANDRIA, VA 22314-1176

EXAMINER

Lalita M. Hamilton

ART UNIT	PAPER
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3691

20090426

DATE MAILED:

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Commissioner for Patents

In response to the Board remand mailed on February 12, 2009, the declarations filed on August 28, 2006 are found to be insufficient for the following reasons:

The declarations filed under 37 CFR 1.132 filed August 28, 2006 is insufficient to overcome the rejection of claims 17-21 based upon the 35 U.S.C. 103 rejection of claim 17 Bosko in view of Callier and claims 19-21 Bosko in view of Jackson as set forth in the last Office action because: The declarations do not specifically demonstrate how a prima facie case of obviousness has not been proven. The Appellant submitted declarations showing how the apparatus is utilized and information concerning the apparatus as tested by users and feedback; however, the submissions do not present direct evidence sufficient to overcome the combination of elements disclosed by Bosko and taught by Callier and Jackson. Therefore, the declarations are insufficient.

In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691